

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-00235

[REDACTED]  
[REDACTED]  
COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

His duty history entry, dated 27 Aug 89, be corrected to read "Student Education with Industry (EWI) Contracting Management" rather than "Student Contracting Management" and promotion reconsideration by the Calendar Year 1997C (CY97C) (21 Jul 97) Lieutenant Colonel Board.

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APPLICANT CONTENDS THAT:

During his nonselection briefing on 20 Nov 97, the Promotions Branch indicated that his duty title was incorrectly entered into the Personnel Center's computer. The title for 27 Aug 89 omitted EWI and this omission led to the belief that he had failed to complete a degree program. EWI is not a degree program. The Promotions Branch believed this could have led the promotion board to the same conclusion and been a significant factor in his nonselection. The error was obvious enough that the Military Personnel Flight (MPF) has already submitted a correction to the system.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) was 22 Jul 81.

Applicant's Officer Performance Report (OPR) profile since 1988 follows:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
20 Aug 88	Meets Standards
28 Jun 89	Meets Standards
28 Jun 90	Education/Training Report (TR)
28 Jun 91	Meets Standards
28 Jun 92	Meets Standards
28 Jun 93	Meets Standards
28 Jun 94	Meets Standards
28 Jun 95	Meets Standards
28 Jun 96	Meets Standards
6 Jun 97	TR
28 Jun 97	Meets Standards

The applicant was considered and not selected for promotion to the grade of lieutenant colonel by the CY97C Lieutenant Colonel Board that convened on 21 Jul 97.

The Officer Selection Brief (OSB) prepared on 30 Jul 97 for the CY97C Lieutenant Colonel Board reflects his duty title for 27 Aug 89 as "Student Contracting Management."

On 25 Nov 97, a correction was updated by the MPF to reflect the applicant's duty title as "Student EWI/Contracting Management."

On 1 Sep 98, the applicant retired under the Early Retirement Program in the grade of major. He was credited with 17 years, 1 month and 9 days of active service.

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AIR FORCE EVALUATION:

The Chief, Appeals & SSB Branch, AFPC/DPPPA, reviewed this application and indicated, in part, that it is obvious that the errors claimed were discoverable at the time they occurred and the applicant has provided nothing to convince them that the errors were not discoverable until Nov 97 nor has he offered a concrete explanation for filing late. While DPPPA would normally recommend the application be denied as untimely, they are aware that the AFBCMR has determined it must adhere to the decision in the case of *Detweiler vs. Pena* which prevents application of the statute's time bar if the applicant has filed within three years of separation or retirement.

While the appropriate changes were made to the 29 Aug 89 duty history entry, DPPPA does not support promotion reconsideration on this issue as this information was included on his 28 Jun 90 TR which is filed in his officer selection record (OSR). As such, the board was aware of the correct duty title by virtue of the fact that it was annotated on the 28 Jun 90 TR even though it was incorrect on the OSB. Further, DPPPA noted that at the time the TR was rendered, the applicant was a captain. He was

considered and selected by the CY92C Major Board. DPPPA retrieved the OSB reviewed by the CY92C board and noted that the same incorrect information was also on his OSB. In addition, the 28 Jun 90 TR was the third document from the top in the applicant's OSR at the time of the CY92C board. DPPPA believes that if this incorrect duty title were going to have a detrimental effect on the applicant's promotion opportunity, it would have happened at the CY92C board. The applicant has had four opportunities (once to major and three to lieutenant colonel) to take action to correct the erroneous duty title. DPPPA strongly recommends this appeal be time-barred from consideration. However, if the Board considers, then this appeal should be denied due to lack of merit.

A complete copy of the Air Force evaluation, with attachments, is attached at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the Air Force evaluation and provided a two-page rebuttal statement (see Exhibit E).

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that his duty history entry should be corrected and he be given promotion reconsideration. His contentions are duly noted; however, while we note that his duty title was incorrectly entered into the Personnel Center's computer, the CY97C board was aware of the correct duty title since it was annotated on the 28 Jun 90 TR even though it was incorrect on his OSB. We therefore believe that this constitutes nothing more than a harmless error. Applicant has not substantiated that the reason for his nonselection for promotion by the CY97C board was because of the incorrect duty title. In view of the foregoing and absence substantial evidence he has suffered either an error or an injustice, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 22 October 1998, under the provisions of Air Force Instruction 36-2603:

Ms. Martha Maust, Panel Chair  
Mr. Kenneth L. Reinertson, Member  
Mr. William E. Edwards, Member  
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 12 Jan 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPA, dated 5 Feb 98, w/atchs.
- Exhibit D. Letter, AFBCMR, dated 16 Feb 98.
- Exhibit E. Letter fr applicant, dated 24 Apr 98.

  
MARTHA MAUST  
Panel Chair